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# The Mysore Gazette

# EXTRAORDINARY.

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## PART IV.

## Legislative Measures and Rules thereunder.

### NOTIFICATIONS.

*Order No. P.* 6139—*Legis.* 52-39-1, *dated Bangalore, the 9th March* 1940.

Ordered that the accompanying Act to provide for the imposition of restrictions of foreigners which received the assent of His Highness the Maharaja, on the 2nd day of March 1940, be published as Act No. XVI of 1940, in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

ACT No. XVI OF 1940.

# THE MYSORE FOREIGNERS ACT, 1940.

**An Act to provide for the imposition of restrictions on foreigners.**

(*Received the assent of His Highness the Maharaja on the 2nd day of March* 1940.)

WHEREAS it is expedient to provide for the imposition of restrictions on the entry of foreigners into Mysore, their presence therein and their departure therefrom;

His Highness the Maharaja is pleased to enact as follows:—

Short title and extent.

1. (*1*) This Act may be called the Mysore Foreigners Act, 1940.

(*2*) It extends to the whole of Mysore.

Definitions.

2. In this act—

(*a*) "foreigner" has the meaning assigned to it in the Indian Foreigners Act, 1864, except that it does not include—

(i) any subject of His Highness the Maharaja; or

(ii) any ruler or subject of any Indian State; or

(iii) any native of the tribal areas;

(*b*) "prescribed" means prescribed by orders made under this Act;

(*c*) "specified" means specified by directions of a prescribed authority.

Power to make orders.

3. (*1*) The Government may, by order, make provision either generally with respect to all foreigners or with respect to any particular foreigner or any prescribed class or description of foreigner, for prohibiting, regulating or restricting the entry of foreigners into Mysore or their departure therefrom or their presence or continued presence therein.

(2) In particular, and without prejudice to the generality of the foregoing power, orders made under this section may provide that the foreigner—

(a) shall not enter Mysore, or shall enter Mysore only at such times and by such route and at such place and subject to the observance of such conditions on arrival as may be prescribed;

(b) shall not depart from Mysore, or shall depart only at such times and by such route and from such place and subject to the observance of such conditions on departure as may be prescribed;

(c) shall not remain in Mysore, or in any prescribed area therein;

(d) shall remove himself to, and remain in, such area in Mysore as may be prescribed;

(e) shall comply with such conditions as may be prescribed or specified—

(i) requiring him to reside in a particular place;

(ii) imposing any restrictions on his movements;

(iii) requiring him to furnish such proof of his identity and to report such particulars to such authority in such manner and at such time and place as may be prescribed or specified;

(iv) requiring him to allow his photograph and finger impressions to be taken and to furnish specimens of his hand-writing and signature to such authority and at such time and place as may be prescribed or specified;

(v) prohibiting him from association with persons of a prescribed or specified description;

(vi) prohibiting him from engaging in activities of a prescribed or specified description;

(vii) prohibiting him from using or possessing prescribed or specified articles; or

(viii) otherwise regulating his conduct in any such particular as may be prescribed or specified;

(*f*) shall enter into a bond with or without sureties for the due observance of, or as an alternative to the enforcement of, any or all prescribed or specified restrictions or conditions; or

(*g*) shall be arrested and detained or confined; and may make provision for such incidental and supplementary matters as may, in the opinion of the Government, be expedient or necessary for giving effect to this Act.

Internees.

4. (*1*) Any foreigner (hereinafter referred to as an internee) in respect of whom there is in force any order made under clause (g) of sub-section (2) of section 3, directing that he be detained or confined, shall be detained or confined in such place and manner and subject to such conditions as to maintenance, discipline and the punishment of offences and breaches of discipline as the Government may from time to time determine.

(*2*) No person shall—

(*a*) knowingly assist an internee to escape from custody or knowingly harbour an escaped internee; or

(*b*) give an escaped internee any assistance with intent thereby to prevent, hinder or interfere with the apprehension of the internee.

(*3*) The Government may, by order, provide for regulating access to, and the conduct of persons in, places in Mysore where internees are detained and for prohibiting or regulating the despatch or conveyance from outside such places to or for internees therein of such articles as may be prescribed.

(*4*) No proceedings shall be taken by virtue of sub-section (2) or sub-section (3) against any person in respect of any act done by him when he is himself an internee.

Change of name.

5. (*1*) No foreigner who was in Mysore on the date on which this Act came into force shall, while in Mysore after that date, assume or use or purport to assume or use for any purpose any name other than that by which he was ordinarily known immediately before the said date.

(*2*) Where, after the date on which this Act came into force, any foreigner carries on or purports to carry on (whether alone or in association with any other person) any trade or business under any name or style other than

that under which that trade or business was being carried on immediately before the said date, he shall, for the purposes of sub-section (1), be deemed to be using a name other than that by which he was ordinarily known immediately before the said date.

(3) In relation to any foreigner who, not having been in Mysore on the date on which this Act came into force, thereafter enters Mysore, sub-sections (1) and (2) shall have effect as if for any reference in those sub-sections to the date on which this Act came into force there were substituted a reference to the date on which he first enters Mysore thereafter.

(4) For the purposes of this section—

(a) the expression "name" includes a surname, and

(b) a name shall be deemed to be changed if the spelling thereof is altered.

(5) Nothing in this section shall apply to the assumption or use—

(a) of any name in pursuance of a Royal Licence or under the orders of His Highness the Maharaja; or

(b) by any married woman, of her husband's name.

Objections on pilots of aircraft.

(6) Any District Magistrate and any Superintendent of Police may, for any purpose connected with the enforcement of this Act or any order made thereunder, enter, with such assistance as he may think fit, any aircraft at any place in Mysore and may—

(a) direct the pilot of the aircraft,

(i) before any passenger disembarks, or before the aircraft leaves such place to furnish a list in writing of the passengers who are on board or who have been carried on board at any time since the aircraft commenced its journey, or who have signified their intention of departing from Mysore on board such aircraft, setting out the places at which they embark, the places of their disembarkation or intended disembarkation, and such other particulars as may be prescribed, and

(ii) to answer to the best of his ability any question relating to the passengers who are on board or who have disembarked in any part of Mysore; and

(*b*) if any foreigner seeking to enter Mysore on board such aircraft does not give satisfactory reasons for entering Mysore, either—

(i) refuse to allow such foreigner to disembark from such aircraft, or

(ii) place him under such restraint as may be prescribed or specified.

Burden of proof.

7. If any question arises with reference to this Act or any order made or direction given thereunder, whether any person is or is not a foreigner, the onus of proving that such person is not a foreigner shall, notwithstanding anything contained in the Indian Evidence Act, 1872, as in force in Mysore, lie upon such person.

Power to exempt from application of Act.

8. The Government may, by order, declare that any or all of the provisions of this Act, or the orders made thereunder shall not apply, or shall apply only with such modifications or subject to such conditions as may be specified, to or in relation to any individual foreigner.

Power to give effect to orders, directions, etc.

9. (*1*) Any authority empowered by or under or in pursuance of the provisions of this Act to give any direction or to exercise any other power, may, in addition to any other action expressly provided for in this Act, take, or cause to be taken, such steps and use, or cause to be used, such force as may, in its opinion, be reasonably necessary for securing compliance with such direction or for preventing or rectifying any breach thereof, or for the effective exercise of such power, as the case may be.

(*2*) Any police officer may take such steps and use such force as may, in his opinion, be reasonably necessary for securing compliance with any order made or direction given under or in pursuance of the provisions of this Act or for preventing or rectifying any breach of such order or direction.

(*3*) The power conferred by this section shall be deemed to confer upon any person acting in exercise thereof a right of access to any land or other property whatsoever.

Power to delegate authority.

10. Any authority upon which any power to make or give any direction, consent or permission or to do any other act is conferred by this Act or by any order made

thereunder may, unless express provision is made to the contrary, in writing authorise, conditionally or otherwise, any authority subordinate to it to exercise such power on its behalf, and thereupon the said subordinate authority shall, subject to such conditions as may be contained in the authorisation, be deemed to be the authority upon which such power is conferred by or under this Act.

Attempt, etc., to contravene the provisions of the Act, etc.

11. (*1*) Any person who attempts to contravene, or abets, or attempts to abet, or does any act preparatory to, a contravention of, the provisions of this Act or of any order made or direction given thereunder, or fails to comply with any direction given in pursuance of any such order, shall be deemed to have contravened the provisions of this Act.

(*2*) Any person who, knowing or having reasonable cause to believe that any other person has contravened the provisions of this Act or of any order made or direction given thereunder, gives that other person any assistance with intent thereby to prevent, hinder or otherwise interfere with his arrest, trial or punishment for the said contravention, shall be deemed to have abetted that contravention.

(*3*) The pilot of any aircraft by means of which any foreigner enters or leaves Mysore in contravention of any order made under, or direction given in pursuance of, section 3 shall, unless he proves that he exercised all due diligence to prevent the said contravention, be deemed to have contravened this Act.

Penalties.

12. If any person contravenes the provisions of this Act or of any order made thereunder, or any direction given in pursuance of this Act or such order, he shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine; and if such person has entered into a bond in pursuance of clause (*f*) of sub-section (*2*) of section 3, his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof, or show cause to the satisfaction of the convicting court why such penalty should not be paid.

Protection to persons acting under this Act.

13. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Application to other laws not barred.

14. The provisions of this Act shall be in addition to and not in derogation of the provisions of the

Registration of Foreigners Act, 1940, and of any other enactment for the time being in force.

Savings.

15. (*1*) Notwithstanding the provisions of section 12 of the Mysore Legislative Council Act, 1923, the Foreigners Ordinance, 1939, as applied to Mysore, shall be deemed to have been in force in Mysore till the coming into force of this Act.

(*2*) All orders made, directions given, things done and action taken under the said Ordinance as applied to Mysore, shall be deemed to have been made, given, done or taken under the provisions of this Act as if this Act had come into force on the 2nd day of September 1939, references to the said Ordinance as applied to Mysore, in any rule made under any enactment shall be construed as references to this Act, and offences committed against or proceedings commenced under the said Ordinance, as applied to Mysore may be punished or may be continued and completed as if such offences were committed against or such proceedings were commenced under this Act.

MIRZA M. ISMAIL,
*Dewan.*

*Order No. P. 6267—Legis. 53-39-1, dated Bangalore, the 16th March 1940.*

Ordered that the accompanying Act to provide for the imposition and the payment of duty on gold which received the assent of His Highness the Maharaja, on the 29th day of February 1940, be published as Act No. XVII of 1940 in the *Mysore Gazette* for general information.

H. V. NARAYANA RAO,
*Secretary to Government,*
*Law Department.*

ACT No. XVII OF 1940.

# THE MYSORE DUTY ON GOLD (EMERGENCY) ACT, 1940.

**(An Act to provide for the imposition and the payment of duty on gold.)**

*(Received the assent of His Highness the Maharaja on the 29th day of February 1940.)*

Whereas an emergency has arisen which makes it expedient to impose a duty on gold and to provide for the payment thereof;

Now therefore, in exercise of the powers conferred by section 12 of the Mysore Legislative Council Act, 1923, it is hereby enacted as follows:—

Short title and extent.

1. (*1*) This Act may be called the Mysore Duty on Gold (Emergency) Act, 1940.

(*2*) It extends to the whole of Mysore.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "gold works" means any place where gold is extracted from ore;

(*b*) "owner of a gold works" includes his agents and persons in charge of the gold works; and

(*c*) "prescribed" means prescribed by rules made under this Act.

Imposition and payment of duty on gold.

3. (*1*) There shall be paid by the owner of every gold works on all gold which is produced therein and which is issued out of the premises of such works on and after the 22nd day of March 1940, a duty at the rate mentioned in sub-section (2) and at the prescribed place.

(*2*) The duty on every ounce of gold shall be three-fourths of the amount by which its sale price exceeds one hundred rupees.

*Explanation.*—For the purposes of this sub-section sale price shall mean the amount realised by sale less prescribed charges, if any.

(*3*) The duty shall be payable in the prescribed manner before the end of the month immediately succeeding that in which the gold is sold.

Recovery of an arear of duty.

4. (*1*) If any duty remains unpaid at the end of the period specified in sub-section (*3*) of section 3, it shall be deemed to be an arrear and the authority to which such

duty is payable may, in lieu thereof, recover any sum not exceeding double the amount of the duty unpaid which such authority may in its discretion think it reasonable to require.

(2) Any arrear of duty or any sum recoverable in lieu thereof under sub-section (1) shall be recoverable as an arrear of land revenue.

Issue of gold from gold works.

5. (1) No person shall issue any gold out of the premises of any gold works except in the prescribed manner and until rules in this behalf are made, except in accordance with the general or special orders of the Government.

(2) Whoever contravenes any such rule or order shall be punishable with fine which may extend to one thousand rupees or to a sum double the amount of the duty payable on any gold issued in contravention of such rule or order, whichever is greater.

Power to make rules.

6. (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1) the rules may provide for all or any of the following matters, namely:—

(a) imposing on owners of gold works the duty of furnishing returns and keeping records and books, prescribing the form of such returns, records and books and the particulars to be contained therein and the manner in which the same are to be verified and all such other conditions thereof as may be necessary;

(b) providing for the regulation of the issue of gold out of the premises of gold works;

(c) providing for the manner in which, the place at which and the authority to which the duty shall be payable and for the recovery of arrears; and

(d) providing for the inspection of gold works.

(3) Such rules may provide that any breach thereof shall be punishable with fine which may extend to five hundred rupees.

Provided that the breach of any rule under clause (b) of sub-section (2) shall be punishable with the penalty prescribed in sub-section (2) of section 5.

MIRZA M. ISMAIL,
*Dewan.*